

Serial No. **10/565,809**

Docket No. **YHK-0155**

Amendment dated **February 9, 2009**

Reply to Office Action of **October 7, 2008**

REMARKS/ARGUMENTS

Claims 4, 30, 31 and 33-35 are pending in this application. By this Reply, the abstract, the specification, and claims 4, 30 and 31 are amended, and claims 19-29, 32, and 33 are canceled without prejudice or disclaimer.

The abstract and claims 4, 19, 26, 30 and 31 are objected to for informalities. The indicated informalities have been corrected, and withdrawal of the objections is respectfully requested.

Claims 4, 19-26 and 30-35 stand rejected under 35 U.S.C. §112, first paragraph and second paragraph. The claims have been amended, and withdrawal of both rejections is respectfully requested.

Claims 4, 19, 22, 23, and 26-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by Haruki et al. (U.S. Patent Publication No. 2001/0003410 A1). This rejection is respectfully traversed.

Haruki fails to disclose or teach “the second class phosphor material comprising at least one of $\text{BaAl}_{12}\text{O}_{19}:\text{Mn}$, $\text{BaAl}_{14}\text{O}_{23}:\text{Mn}$ or $\text{Ba}(\text{Sr},\text{Ma})\text{AlO}:\text{Mn}$ and...the second class phosphor material to the total weight is 1~25 wt%,” and the combination thereof, as recited in claim 4 (claim 4 has been amended to switch the terminology of the third class phosphor material to a second class phosphor material for antecedent purpose).

In contrast, Haruki merely discloses a green phosphor containing $\text{Zn}_2\text{SiO}_4:\text{Mn}$ and $\text{ReBO}_3:\text{Tb}$, wherein Re denotes one rare earth elements selected from the group consisting of

Sc, Y, La, Ce and Gd. Accordingly, Haruki merely discloses a green phosphor containing a first class phosphor material and a second class phosphor material without containing a second class phosphor material and the mixing ratio.

Haruki fails to disclose all the claimed features and the combination thereof. Hence, withdrawal of the Section 102 rejection is respectfully requested.

Claims 30-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haruki et al. (U.S. Patent Publication No. 2001/0003410 A1) in view of Kawamura (U.S. Patent Publication No. 2002/0195938 A1). This rejection is respectfully traversed.

The proposed combination fails to establish a *prima facie* case of obviousness, as required under Section 103. Similar to claim 4, Haruki et al. fails to disclose or teach the third class phosphor material, and the combination thereof, as recited in claim 30.

Further, Kawamura teaches away from the proposed combination with Haruki et al. As disclosed in paragraphs [0035] and [0037], Kawamura discloses the mixed green color fluorescent material without comprising $\text{Zn}_2\text{SiO}_4\text{:Mn}$. In contrast, the green phosphor material as claimed in claim 30 is comprises $\text{Zn}_2\text{SiO}_4\text{:Mn}$ as a first class phosphor material. Accordingly, the proposed combination teaches away or the proposed combination fails to establish a *prima facie* case of obviousness.

A *prima facie* case of obviousness has not been established, and withdrawal of this rejection is respectfully requested.

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Daniel Y.J. Kim**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Attachment: Abstract

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